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2874

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop DAC, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 2, 2003

Date Mailed

Christina Fernandez

Name

Signature

December 2, 2003

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bruce R. Scharf et al.

Serial No.: 10/000,232

Filed: November 30, 2001

For: DIFFRACTION  
COMPENSATION USING A  
PATTERNED REFLECTOR

Docket No.: 005557.P005

Examiner: Not Yet Assigned

Art Unit: 2874

Mail Stop DAC  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### PETITION TO WITHDRAW HOLDING OF ABANDONMENT 37 C.F.R. § 1.181; 37 C.F.R. § 1.8(b)

Sir:

Applicants recently received notice from the Office of Initial Patent Examination (OIPE) that the above-noted patent application was abandoned because Applicants allegedly failed to respond to a Notice to File Corrected Application Papers. Pursuant to 37 C.F.R. § 1.8(b), Applicants respectfully request withdrawal of the holding of abandonment and restoration of the application to active status.

The following documents are enclosed in support of this petition:

I. Copy of Notice to File Corrected Application Papers (the "Correction Notice") mailed January 17, 2002.

II. Complete copy of corrected application papers submitted February 13, 2002, using the "Certificate of Mailing" procedure. Corrected application papers include (i) a return receipt postcard itemizing submitted items, (ii) a transmittal sheet including certificate of mailing

and itemizing the enclosed corrected drawings, (iii) a copy of the Correction Notice and (iv) a complete set of corrected drawings (10 figures on 8 sheets).

III. Copy of Request for Status of Application submitted on June 20, 2003.

IV. Copy of notice from OIPE indicating that the application is abandoned.

#### Facts

1. After filing the application, Applicants' attorney received the Correction Notice, which was mailed on January 17, 2002, and set a 2-month period for response (enclosed document I).

2. On February 13, 2002, well within the period allowed for response, Applicant's attorney submitted a set of corrected drawings in response to the Correction Notice under the "Certificate of Mailing" provisions of 37 C.F.R. § 1.8(a) (enclosed document II). Applicants' undersigned attorney personally reviewed and signed the response and provided it to Ms. Breigh Dippman, who was then a member of the staff, for mailing. Procedure in our office dictated that Ms. Dippman sign the Certificate of Mailing and prepare the documents for mailing. Near the end of each business day, Ms. Dippman personally took that day's accumulated correspondence to the post office for mailing. At the end of the day, Ms. Dippman's supervisor checked to confirm that all correspondence for the day had been mailed. Office procedure was followed in this case: the certificate of mailing was signed and dated and the corrected application papers (enclosed document II) were timely mailed by Ms. Dippman on the date stated in the Certificate of Mailing.

3. An itemized return-receipt postcard was enclosed with the response. Applicant's attorney never received the return receipt postcard, indicating that the corrected application papers apparently were not received by the USPTO. Applicants' attorney notes that in early 2002, when the response was mailed, there were various anthrax-related postal emergencies, and suggests that perhaps that explains why the submitted documents were not received at the USPTO.

4. On June 20, 2003, Applicants submitted a request for information on the status of the application (enclosed document III).

5 In response to the request for status, Applicants received a notice from the OIPE (enclosed document IV) indicating that a Notice of Abandonment was forthcoming. No Notice of Abandonment has yet been received.

6. Only after receipt of the OIPE notice did Applicants' attorney learn that the USPTO had not received the corrected application papers. Applicants' attorney did not notice that the return postcard submitted with the corrected application papers had never been received until reviewing the file after receiving the OIPE notice.

Conclusion

In view of the above facts and the enclosed documents, Applicants have fulfilled the conditions set forth in 37 C.F.R. § 1.8(b) and respectfully request that the holding of abandonment be removed and that the above-noted application be returned to active status.

Charge Deposit Account

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12-2-03

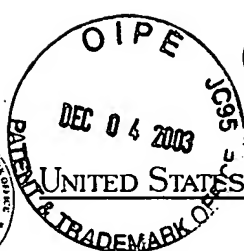


Todd M. Becker  
Attorney for Applicant(s)  
Registration No. 43,487

Blakely, Sokoloff, Taylor & Zafman LLP  
12400 Wilshire Boulevard, Seventh Floor  
Los Angeles CA 90025-1030  
Phone: 206-292-8600  
Facsimile: 206-292-8606

Enclosures: Postcard  
Copy of Notice to File Corrected Application Papers  
Complete copy of corrected application papers submitted February 13, 2002  
Copy of Request for Status of Application  
Copy of notice from OIPE indicating that the application is abandoned

TMB



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/000,232	11/30/2001	Bruce R. Scharf	005557.P005

CONFIRMATION NO. 9239

## FORMALITIES LETTER



\*OC000000007324482\*

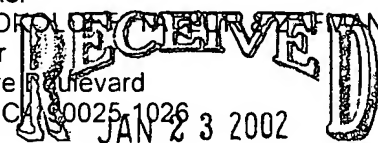
Todd M. Becker

BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP

Seventh Floor

12400 Wilshire Boulevard

Los Angeles, CA 90025-1026



ENTERED

JAN 23 2002

STATUS DB-LA

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
LOS ANGELES

Date Mailed: 01/17/2002

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

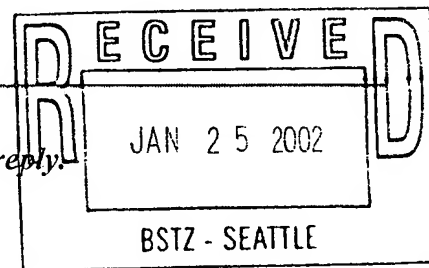
*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- o Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

1/23/2002

PART 1 - AT

Due date

3/17/2002

Client Name Microscan Systems  
Incorporated

Docket Initial

5557 . p005

Dock. Sup. Initial

CMN TMB

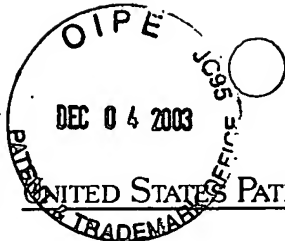
Atty/Initial

Pat/Ser/Reg 000,232

53 x

## Description

Notice to file corrected application papers.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/000,232	11/30/2001	Bruce R. Scharf	005557.P005

CONFIRMATION NO. 9239

## FORMALITIES LETTER



\*OC000000007324482\*

Todd M. Becker  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

Date Mailed: 01/17/2002

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

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  - o drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Bruce R. Scharf et al.

Application No.: 10/000,232

Filed: November 30, 2001

For: DIFFRACTION COMPENSATION USING A)  
PATTERNED REFLECTOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner:

Art Unit: 2874

REQUEST FOR STATUS OF APPLICATION

Dear Commissioner:

The last correspondence received from the U.S. Patent and Trademark Office (PTO) was the "Notice of Recordation of Assignment Document". Please inform us on the current status of the above-referenced patent application.

If there are any further charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6-20-03

Todd M. Becker  
Todd M. Becker  
Reg. No. 43,487

12400 Wilshire Blvd., Seventh Floor  
Los Angeles, CA 90025-1026  
(206) 292-8600

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on June 20, 2003  
Date of Deposit  
Dominique Valentino  
Name of Person Mailing Correspondence  
Dominique Valentino 6-20-03  
Signature Date



Serial/Patent No.: 10/000,232 Filing/Issue Date: November 30, 2001  
Client: Microscan Systems Incorporated  
Title: DIFFRACTION COMPENSATION USING A PATTERNED REFLECTOR

BSTZ File No.: 005557.P005

Atty/Secty Initials: TMB:brd

Date Mailed: February 13, 2002

Docket Due Date: March 17, 2002

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)                                       | <input type="checkbox"/> Express Mail No.: _____                                     | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                             | <input type="checkbox"/> _____ Month(s) Extension of Time                            | Amt: _____                               |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)           | <input type="checkbox"/> Information Disclosure Statement & PTO 149 (____ pgs.)      | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                  | <input type="checkbox"/> Issue Fee Transmittal                                       | Amt: _____                               |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                    | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                           | <input type="checkbox"/> Petition for Extension of Time                              |  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)               | <input type="checkbox"/> Petition for _____  |  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                     | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - PCT (____ pgs.)  | <input type="checkbox"/> Power of Attorney (____ pgs.)                               |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                           |  |
| <input type="checkbox"/> Assignment and Cover Sheet   | <input type="checkbox"/> Reply Brief (____ pgs.)                                     |  |
| <input checked="" type="checkbox"/> Certificate of Mailing                                    | <input type="checkbox"/> Response to Notice of Missing Parts                         |  |
| <input type="checkbox"/> Declaration & POA (____ pgs.)  | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |  |
| <input type="checkbox"/> Disclosure Docs & Cig & Copy of Invention Signed Letter (____ pgs.)  | <input type="checkbox"/> Transmittal Letter, in duplicate                            |  |
| <input checked="" type="checkbox"/> Drawings: <u>8</u> # of sheets includes <u>10</u> figures | <input type="checkbox"/> Fee Transmittal, in duplicate                               |  |

Other: \* Response to Notice to File Corrected Application Papers  
\* Copy of Notice to File Corrected Application Papers



Serial/Patent No.: 10/000,232 Filing/Issue Date: November 30, 2001  
Client: Microscan Systems Inc.  
Title: DIFFRACTION COMPENSATION USING A PATTERNED REFLECTOR

BSTZ File No.: 005557.P005

Atty/Secty Initials: TMB/dcv

Date Mailed: 06/20/03

Docket Due Date: \_\_\_\_\_

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Amendment/Response (____ pgs.)  | <input type="checkbox"/> Express Mail No.: _____                                     | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)                              | <input type="checkbox"/> _____ Month(s) Extension of Time                            | Amt: _____                               |
| <input type="checkbox"/> Application - Utility (____ pgs., with cover and abstract)            | <input type="checkbox"/> Information Disclosure Statement & PTO-1449 (____ pgs.)     | <input type="checkbox"/> Check No. _____ |
| <input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)                   | <input type="checkbox"/> Issue Fee Transmittal                                       | Amt: _____                               |
| <input type="checkbox"/> Application - Rule 1.53(b) Divisional (____ pgs.)                     | <input type="checkbox"/> Notice of Appeal  |  |
| <input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)                            | <input type="checkbox"/> Petition for Extension of Time                              |  |
| <input type="checkbox"/> Application - Rule 1.53(d) CPA Transmittal (____ pgs.)                | <input type="checkbox"/> Petition for _____  |  |
| <input type="checkbox"/> Application - Design (____ pgs.)                                      | <input checked="" type="checkbox"/> Postcard   |  |
| <input type="checkbox"/> Application - PCT (____ pgs.)   | <input type="checkbox"/> Power of Attorney (____ pgs.)                               |  |
| <input type="checkbox"/> Application - Provisional (____ pgs.)                                 | <input type="checkbox"/> Preliminary Amendment (____ pgs.)                           |  |
| <input type="checkbox"/> Assignment and Cover Sheet  | <input type="checkbox"/> Reply Brief (____ pgs.)                                     |  |
| <input checked="" type="checkbox"/> Certificate of Mailing                                     | <input type="checkbox"/> Response to Notice of Missing Parts                         |  |
| <input type="checkbox"/> Declaration & POA (____ pgs.)   | <input type="checkbox"/> Small Entity Declaration for Indep. Inventor/Small Business |  |
| <input type="checkbox"/> Disclosure Docs & Orig & Copy of Inventor's Signed Letter (____ pgs.) | <input type="checkbox"/> Transmittal Letter, in duplicate                            |  |
| <input type="checkbox"/> Drawings: _____ # of sheets includes _____ figures                    | <input type="checkbox"/> Fee Transmittal, in duplicate                               |  |

☒ Other: Request for Status of Application(1 pg.)





UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 2023

October 9, 2003

Todd M. Becker  
Blakely, Sokoloff, Taylor & Zafman  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025-1026

In re application of:  
Bruce R. Scharf et al.  
Attorney Docket No.: 005557.P005  
Serial No.: 10/000232  
Filed: November 30, 2001  
For: **DIFFRACTION COMPENSATION USING A PATTERNED REFLECTOR**

**STATUS**

On June 25, 2003, the office received a status letter in reference to the above-identified application.

The Notice To File Corrected Application Papers was mailed on January 17, 2002, to the above address. A copy of the Notice To File Corrected Application Papers is enclosed.

☒ Notice Of Abandonment is coming forth.

☐ Counsel's address is different than the address in the application.

Telephone inquiries concerning this matter may be directed to Linda McDowell  
(703) 308-9477.

  
Linda McDowell  
Office Initial Patent Examination

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Bruce R. Scharf et al.

Application No.: 10/000,232

Filed: November 30, 2001

For: DIFFRACTION COMPENSATION  
USING A PATTERNED REFLECTOR

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

Commissioner for Patents  
Washington, D.C. 20231RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Dear Sir:

In response to the Notice to File Corrected Application Papers mailed January 17, 2002 Applicant has enclosed a new set of drawings. Please find enclosed eight (8) sheets of drawings.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: 2-13-02

Todd M. Becker  
Todd M. Becker  
Reg. No. 43,487

Customer No. 008791  
12400 Wilshire Boulevard,  
Seventh Floor  
Los Angeles, California 90025  
(206) 292-8600

FIRST CLASS CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231  
on: February 13, 2002

Date of Deposit

Breigh Dippman

Name of Person Mailing Correspondence

Breigh Dippman  
Signature

2-13-02  
Date